

State of Texas Court Improvement Program

Report on Timeliness of Hearings and Indicators of Quality and Legal Representation

December 29, 2014

Time to First Permanency Hearing (Measure 4G) and Subsequent Permanency Hearings

Definition from the Toolkit: The median time from the filing of the original petition to first permanency hearing (how long it takes to complete the first permanency hearing). Federal law requires the first permanency hearing to occur within 12 months following the start date. According to the tool kit, a permanency hearing is held to establish a relatively definitive permanency plan for the child. At that point the case will proceed toward family reunification, termination or parental rights followed by adoption, or another type of permanency. For Texas, that is 6 months after the child is removed from the home and 5 ½ months after the Court grants Temporary Managing Conservatorship (TMC) to the State. Subsequent Permanency Hearings are held every 120 days until the court issues a Final Order that resolves parental rights and reunifies the child, places the child permanently with someone other than the Department, or places the child in Permanent Managing Conservatorship (PMC) of the State. Once in PMC, courts are required to hold Placement Review hearings until the child exits the foster care system and the state is dismissed from the case.

For Texas, Measure 4G (Initial) and 4X (Subsequent Permanency and Placement Reviews) are calculated by considering all children who were removed from their home, and entered TMC via Court Order in FY2013 or FY2014, and who had at least an initial Permanency Hearing and children who had an initial Permanency Hearing and one or more subsequent Permanency Hearings. The measures also include all children who entered PMC in FY2013 or FY2014 and had at least one Placement Review and children who had one or more Placement Review Hearings.

Hearing	Median time to Perm Review	FY13 Days	FY14 Days	FY13 Months	FY14 Months	% Change
Initial	Initial Review	161 days	161 days	5.3 months	5.3 months	0.0
Second	Subseq Review	105 days	105 days	3.5 months	3.5 months	0.0
Third	Subseq Review	91 days	93 days	3.0 months	3.1 months	0.1
Fourth	Subseq Review	86 days	91 days	2.8 months	3.0 months	0.2
Fifth	Subseq Review	77 days	73 days	2.5 months	2.4 months	-0.1
Sixth	Subseq Review	56 days	63 days	1.8 months	2.1 months	0.2
Seventh	Subseq Review	56 days	56 days	1.8 months	1.8 months	0.0

Hearing	Median time to Plcmt Review	FY13 Days	FY14 Days	FY13 Months	FY14 Months	% Change
Initial	Initial Plcmt Rev	87 days	85 days	2.8 months	2.8 months	0.0
Second	Subseq Plcmt	154 days	157 days	5.1 months	5.2 months	0.1
Third	Subseq Plcmt	154 days	155 days	5.1 months	5.1 months	0.0
Fourth	Subseq Plcmt	147 days	154 days	4.8 months	5.1 months	0.3
Fifth	Subseq Plcmt		224 days	3.5 months	7.4 months	*
Sixth	Subseq Plcmt		147 days	3.0 months	4.9 months	*
Seventh	Subseq Plcmt		112 days	2.8 months	3.7 months	*

*Did not measure beyond the 4th Placement Review Hearing for FY2013.

Time to Permanent Placement (Measure 4A)

According to the tool kit, this is the median time from filing of the original petition to legal permanency. In other words, how long to achieve legal permanency, following the filing of the original petition.

For Texas, the this measure is calculated by considering all children who exited the custody of the Department of Family and Protective Services in FY2014, how long it took from the time they entered foster care to exit foster care, and to what status.

Median Time to Exit	FY13 Days	FY14 Days	FY13 Months	FY14 Months	% Change
Median time to reunification w parent or caregiver	365 days	371 days	12 months	12.2 months	0.2
Median time to relative as Permanent Conservator	360 days	358 days	11.8 months	11.8 months	0.0
Median time to adoption either by Relative or by Non-Relative	732 days	735 days	24.1 months	24.2 months	0.1
Median time to Emancipation / Age Out	1313 days	1184 days	43.2 months	38.9 months	-4.3
Median time to Other	244 days	180 days	8.0 months	5.9 months	-2.1

Time to Termination of Parental Rights – Petition Filed and Termination Achieved (Measures 4H and 4I)

According to the tool kit, where reunification has not been achieved, what is the median time from filing of the original petition to filing the petition to terminate parental rights (how long to file the TPR petition)?

Texas files an original petition for termination of parental rights and in the alternative for conservatorship of the child. Once the Court grants Temporary Managing Conservatorship (TMC) of the child to the state, the state has 12 to 18 months to reunify or execute another permanency plan for the child. Texas attempts reunification at the beginning of each case, and once reunification fails, Texas can proceed immediately with termination without the need to file a subsequent termination petition. As a result, there is effectively no time elapse between when reunification fails and the petition to terminate parental rights is filed.

For Measures 4H and 4I, Texas has used the date that adoption was identified as the primary permanency goal (and reunification is no longer the goal) prior to the final order date while the state still has TMC instead of the “filing date for the petition to terminate parental rights” and calculated the median time to the **final** order from that date.

For **FY2014**, the median time from the date that adoption was identified as the permanency goal (meaning that reunification had failed, and termination or relinquishment followed) and a final order was issued was **198 days or 6.6 months, compared to 192 days or 6.3 months for FY2013**. **Percent change is 0.2.**

FY2014 data from the child welfare agency was displayed at the county level. The Children’s Commission will share the results of this data analysis with judges via judicial education tools such as a Jurist in Residence Letter, amending the CPS Bench Book as appropriate, and will include this topic on the annual child welfare judicial conference agenda, as appropriate. The Children’s Commission will work with counties whose data indicates judicial case management or advocacy practices may be required to improve timeliness of hearings and exits from foster care and adoption consummation.